IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

DATE: October 20, 2011

JUDGE LEONARD DAVIS

COURT REPORTER

Shea Sloan

Law Clerks: Allan Bullwinkel

SOVERAIN SOFTWARE LLC

VS.

CIVIL ACTION NO: 6:09-CV-274 PRETRIAL CONFERENCE

J.C. PENNEY CORPORATION, INC., et al

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

SEE SIGN IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 10:20 am

TIME:	MINUTES:
9:00 am	Case Called. Parties announced ready. (See Sign-in Sheets)
	Judge inquired as to settlement agreement. Mr. Nelson and Mr. McSwane addressed the court.
	Side conference with counsel re: ongoing settlement negotiations (off the record)
	Mr. Nelson and Mr. McSwane stated DE 455 Soverain's Motion to Compel Supplemental Production from Defendants, may eventually be agreed to. (ruling deferred)
	Mr. Nelson and Mr. McSwane stated DE 457 Soverains' Rule 37 Motion for an Order Compelling Supplemental Disclosures from JC Penny and Rule 37(c) Sanctions, may eventually be agreed to (ruling deferred)
	Mr. Nelson and Mr. McSwane stated an agreement as to DE 462 Defendants' Opposed Motion to Limit Number of Asserted Claims. (DENIED AS MOOT)
	Mr. Nelson and Mr. McSwane briefly addressed pending motions in limine DE 409, DE 411, and DE 470 (motions deferred to day of jury selection)
	Mr. Nelson withdrawing DE 425 Soverain Software LLC's Motion to Strike Portions of the Supplemental Expert Reports of Andrew S. Cromarty and Arthur M. Keller. (DENIED AS MOOT)

DAVID J. MALAND, CLERK

FILED: 10.20.2011

BY: Lisa Hardwick, Courtroom Deputy

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TIME:	MINUTES:
	Mr. McSwane re DE 412 Opposed Motion by Defendants for Leave to Supplement the Joint Proposed Pretrial Order is moot (DENIED AS MOOT)
	Mr. McSwane and Mr. Levy stated DE 386 Defendants' Motion for Summary Judgment of Non-Infringement Based on Divided Infringement still active. (Court will carry along)
	DE 443 Defendants' Motion to Clarify the Scope of the Claim Term "Computer" argued by Mr. Glenn and Mr. Nelson. (MOTION DENIED)
	DE 422 Soverain Software LLC's Motion for Sanctions to be carried along. The Court will consider post trial.
	Court inquires as to the relationship between the three patents. Mr. Nelson and Mr. Levy respond.
	Court inquires as to defendants invalidity claims and infringement. Mr. Levy and Mr. Nelson responds. Court advises party to meet and confer. Discussion on how to present to a jury. Parties to notify Court by letter as to both proposals by Friday, 10/21/2011 and Court will decide how to proceed.
	Discussion on record re Trial Protocol and Time Limits.
10:20 am	COURT ADJOURNED